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DEPARTMENT OF THE ARMY
Missouri River Division, Corps of Engineers
P. O. Box 103, Downtown Station
Omaha, Nebraska 68101

MRD-R 1180-234-2

Regulation
No. 1180-234-2

15 November 1972

CONTRACTS

Availability of Real Estate for Construction Purposes

1. Purpose. This sets Tooth policies and procedures applicable to advertisements (or solicitations) for construction work when the proposed contractor is not responsible for providing lands, easements, and rights of way necessary for the construction. This includes situations where local interests are required under assurances or contracts of local cooperation to provide real estate interests.

2. Applicability. To Division and District Offices. (These instructions pertain only to availability of real estate interests and are not intended to supersede other instructions pertaining to advertisements for bids and contract awards.)

3. Policies. As a general policy no advertisement will be issued, bids opened, award of contract made, or notice to proceed given, unless all real estate interests are available. This includes entry for bidding purposes unless the advertisement puts the burden on bidders to make their own arrangements for entry, such as for site inspection purposes. Any exception to these policies requires the prior written approval of the Division Engineer. Scheduling of advertisements and real estate acquisition must be closely coordinated and monitored to avoid need or exceptions.

4. Procedures.

a. Information on the status of land acquisition for each project will be furnished by the District in submittal letters for the following:

- (1) Proposed "as advertised" plans and specifications.
- (2) Requests for approval of award.
- (3) Requests for advertisement concurrent with review of plans and specifications.

b. Should the District Engineer determine that special circumstances warrant an exception to the general policies complete statement relative to the status of real estate availability will be furnished, together with a detailed listing of steps remaining to be taken to complete acquisition, and a schedule when each step will be accomplished. Specific proposals by the District Engineer will be in accordance with the following categories and requirements:

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(1) Advertisement. Requests for approval to proceed with advertisement without real estate available normally will be made only when progress is such that all real estate will be available by the scheduled bid opening date and the lack of availability will not materially affect bidders' opportunity to make site inspections for bidding purposes.

(2) Bid Opening and Award.

(a) Requests to open bids and make award without real estate being available will be made only if it is unmistakably evident that real estate will be available in advance of the date specified in the proposed contract by which real estate is to be made available to the contractor.

(b) This presupposes that funds are currently available to the District to complete the real estate acquisition, and that full compliance has or will be made with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646).

(c) The personal approval of the Division Engineer will be required to permit bid opening and contract award without real estate being available.

FOR THE DIVISION ENGINEER:

/s/

CARLYLE H. CHARLES
Colonel, Corps of Engineers
Deputy Division Engineer for Civil

DISTRIBUTION:

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